

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

JERRY LEON DEES, JR.,

Plaintiff,

Vs.

HYUNDAI MOTOR MANUFACTURING  
ALABAMA, LLC, and HYUNDAI  
MOTOR AMERICA, INC.,

Defendants.

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**CASE NO.  
2:07-cv-00306-MHT-CSC**

**REPORT OF PARTIES' PLANNING MEETING**

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on May 14, 2007, by telephone, and was attended by:

Vincent F. Kilborn, III, and Jeffrey R. Sport for Plaintiff Jerry Leon Dees, Jr.; and  
J. Trent Scofield and T. Scott Kelly for Defendants Hyundai Motor Manufacturing  
Alabama, LLC ("HMMA"), and Hyundai Motor America, Inc. ("HMA").

**2. PRE-DISCOVERY DISCLOSURES**

The parties will exchange by **June 7, 2007** the information required by Federal Rule of Civil Procedure 26(a)(1).

**3. DISCOVERY PLAN**

The parties jointly propose to the Court the following discovery plan:

- Discovery will be needed on the following subjects:

**Plaintiff's Position:**

Plaintiff needs discovery on the following items related to Plaintiff's claims  
as follows:

- a. The nature and extent of the relationship between HMA and HMMA;
- b. Whether Hyundai has engaged in a pattern and practice of harassment and wrongful terminations regarding U.S. military members or other classes of protected persons;
- c. Circumstances surrounding the termination of the Plaintiff;
- d. Employment files and histories, including disciplinary actions or complaints, of all persons involved in the matter which is the subject of this case;
- e. Hyundai's policies, procedures and practices, whether verbal or written, regarding employee disciplinary action and/or termination;
- f. Hyundai's intent to harass and harm Plaintiff;
- g. Hyundai's past history regarding other asserted violations of USERRA or other federal or state civil rights statutes;
- h. Hyundai's official or unofficial position on the war in Iraq and on sending troops to Iraq; and
- i. Hyundai company practices, policies, or directives, whether written or verbal, official or unofficial, regarding employment and treatment of U.S. citizens.

**Defendants' Position:**

Defendants will require discovery regarding the allegations made by Plaintiff, as well as the damages allegedly suffered by Plaintiff.

- Disclosure or discovery of electronically stored information should be handled as follows:

The parties agree that with respect to any electronically stored documents that are identified or requested during the course of discovery, such documents, to the extent reasonably accessible or otherwise not objectionable, will be produced either as a hard copy on paper, or stored on a CD or DVD formatted as a .PDF (portable document format) file.

- The parties agree that any inadvertently produced material which any party claims as privileged or as trial preparation material, shall be promptly returned, sequestered or destroyed once a request for the same is made within a reasonable time after disclosure. The parties request that this agreement be reflected in the Court's Scheduling Order.

- All discovery commenced in time to be completed by **November 30, 2007**.
- For purposes of the discovery limits, Defendants are treated as one entity.
- Maximum of 25 interrogatories by Plaintiff to Defendants and 25 by Defendants to Plaintiff, to be responded to within the time allowed by the Federal Rules of Civil Procedure.

- Maximum of 25 requests for admission by Plaintiff to Defendants and 25 by Defendants to Plaintiff, to be responded to within the time allowed by the Federal Rules of Civil Procedure.

- Maximum of 10 depositions by Plaintiff and 10 by Defendants, exclusive of depositions of experts. (Each deposition limited to a maximum of 7 hours unless extended by agreement of the parties.)

#### 4. OTHER ITEMS

- The parties do not request a scheduling conference with the court.
- Plaintiff believes that, given the various areas to be discovered as discussed above, Plaintiff will need **50** requests for production to Defendants. Requests for production are to be responded to within the time allowed by the Federal Rules of Civil Procedure.
- Defendants believe that requests for production should be limited to **25** by Plaintiff to Defendants and 25 by Defendants to Plaintiff.
- The parties request a pretrial conference in **February, 2008**.
- The Plaintiff requests until **August 31, 2007** to join additional parties and amend the pleadings. The Defendants request until **October 1, 2007** to join additional parties and amend the pleadings.
- All potentially dispositive motions should be filed by no later than 90 days prior to the pretrial date.
- Reports from retained experts under Fed. R. Civ. P. 26(a)(2) due:
  - From Plaintiff by **October 1, 2007**; and
  - From Defendants by **October 31, 2007**.
- Final lists of witnesses and exhibits under Rule 26(a)(3) due **on or before March 3, 2008**. Parties should have 10 days after service of final lists of witnesses and exhibits to list objections under rule 26(a)(3).
- Settlement cannot be evaluated until some discovery has occurred.
- This case should be ready for trial by **March 31, 2008**, and at this time is expected to take approximately 2 and 1/2 days.

Date: May 23, 2007.

s/ Vincent F. Kilborn, III  
Vincent F. Kilborn, III (KILBV4484)

s/ David A. McDonald  
David A. McDonald (MCDOD5329)

s/ W. Perry Hall  
W. Perry Hall (HALLW9043)

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s/ Jeffrey R. Sport  
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s/ J. Trent Scofield  
J. Trent Scofield (SCO-024)

s/ T. Scott Kelly  
T. Scott Kelly (KEL-053)

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Manufacturing Alabama, LLC and  
Hyundai Motor America, Inc.**